

PUBLISH

August 8, 2007

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

HARVEY FRANK ROBBINS,

Plaintiff-Appellee,

v.

CHARLES WILKIE, DARRELL
BARNES, TERYL SHRYACK,
MICHAEL MILLER, GENE LEONE,
and DAVID L. WALLACE,

Defendants-Appellants.

No. 04-8016
(D. Wyoming)
(D.C. No. 98-CV-201-CAB)

PACIFIC LEGAL FOUNDATION, NEW
MEXICO CATTLE GROWERS
ASSOCIATION, WASHINGTON FARM
BUREAU, IDAHO FARM BUREAU,
IDAHO COUNTY FARM BUREAU,
OWYHEE COUNTY FARM BUREAU,
WASHINGTON STATE GRANGE, and
NEW MEXICO FEDERAL LANDS
COUNCIL,

Amicus Curiae.

ORDER

Before **KELLY, HENRY**, and **MURPHY**, Circuit Judges.

This matter is before us upon remand from the United States Supreme Court. The Court granted defendants' petition for writ of certiorari and reversed our prior judgment in favor of plaintiff Harvey Frank Robbins, *Wilkie v. Robbins*, 127 S. Ct. 2588 (2007). Consistent with the Supreme Court's decision, we **VACATE** our judgment in *Robbins v. Wilkie*, 433 F.3d 755 (10th Cir. 2006), and **DISMISS** the appeal. The case is **REMANDED** to the United States District Court for the District of Wyoming for further proceedings in accordance with the opinion of the United States Supreme Court.

Entered for the Court
Elisabeth A. Shumaker, Clerk

By:
Deputy Clerk